

ADVISED BY  
CITY COUNCIL  
OCT 21 2002

Entered - 08-15-02 - sb  
CL - 02L0584 ALEXIS HOLMES

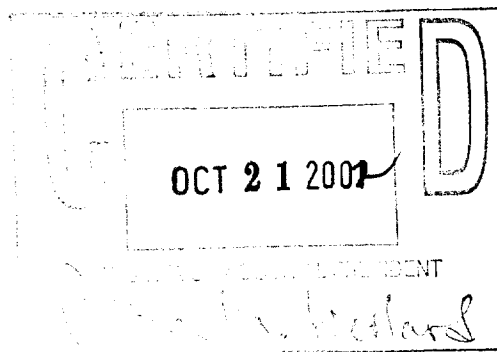
CLAIM OF: **MARCUS L. BURNETT**  
1600 Vesta Avenue  
Apartment 20  
College Park, Georgia 30337

**02-*l* -1758**

For damages alleged to have been sustained as a result of a tree falling down and striking his vehicle on July 23, 2002 at 2304 Herring Road.

THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind P. Newell*  
ROSALIND RUBENS NEWELL  
INTERIM CITY ATTORNEY



## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: *10/15/02*

CHAIR: *[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

October 23, 2002

Marcus L. Burnett  
1600 Vesta Avenue  
Apartment 20  
College Park, GA 30337

02-R-1758

Dear Mr. Burnett:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 21, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 02L0584

Date: 10/01/02

Claimant /Victim MARCUS L. BURNETT

BY: (Atty) \_\_\_\_\_

Address: 1600 Vesta Avenue Apartment 20 College Park, Georgia 30337

Subrogation: Claim for Property damage \$ 3,178.38 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 08/09/02 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 07/23/02 Place: 2304 Herring Road

Department PRCA Division: Parks

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that he sustained vehicular damages when a tree located in a City right-of-way fell striking the claimant's vehicle after it was struck by lightning. The City is immune from liability as set forth in O.C.G.A. § 36-33-1.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Other \_\_\_\_\_ Written X Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
\_\_\_\_\_  
INVESTIGATOR - ALEXIS HOLMES

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 10-02-02

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4102  
10/21/02  
2:12 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14; Except 02-o-1643; 02-O-1795  
02-R-1803; 02-R-1729  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

CONSENT I

ITEMS ADOPTED ON CONSENT		10/21/02 Council Meeting
AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1368	45. 02-R-1766	48. 02-R-1746
2. 02-O-1710	46. 02-R-1767	49. 02-R-1747
3. 02-O-1674	47. 02-R-1768	50. 02-R-1748
4. 02-O-1645		51. 02-R-1749
5. 02-O-1646		52. 02-R-1750
6. 02-O-1647		53. 02-R-1751
7. 02-O-1648		54. 02-R-1752
8. 02-O-1672		55. 02-R-1753
9. 02-O-1726		56. 02-R-1754
10. 02-O-1728		57. 02-R-1755
11. 02-O-1776		58. 02-R-1756
12. 02-O-1779		59. 02-R-1757
13. 02-O-1781		60. 02-R-1758
14. 02-O-1783		61. 02-R-1759
15. 02-O-1790		62. 02-R-1366
16. 02-O-1791		
17. 02-O-1661		
18. 02-O-1793		
19. 02-O-1584		
20. 02-O-1636		
21. 02-O-1738		
22. 02-R-1176		
23. 02-R-1736		
24. 02-R-1737		
25. 02-R-1745		
26. 02-R-1769		
27. 02-R-1716		
28. 02-R-1740		
29. 02-R-1735		
30. 02-R-1797		
31. 02-R-1800		
32. 02-R-1663		
33. 02-R-1780		
34. 02-R-1802		
35. 02-R-1588		
36. 02-R-1773		
37. 02-R-1787		
38. 02-R-1799		
39. 02-R-1760		
40. 02-R-1761		
41. 02-R-1762		
42. 02-R-1763		
43. 02-R-1764		
44. 02-R-1765		

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Consent I Vote: 12 Yeas; 0 Nays (See RCS #4102)  
Items Removed from Consent: 02-O-1643; 02-O-1795; 02-R-1803; 02-R-1729